

**MINUTES OF THE
LAW ENFORCEMENT AND CRIMINAL JUSTICE INTERIM COMMITTEE**

Wednesday, May 15, 2013 – 2:00 p.m. – Room 25 House Building

Members Present:

Sen. Todd Weiler, Senate Chair
Rep. Curtis Oda, House Chair
Sen. Margaret Dayton
Sen. Luz Robles
Sen. Daniel W. Thatcher
Rep. Derek E. Brown
Rep. Richard A. Greenwood
Rep. Keith Grover
Rep. Dana Layton
Rep. Paul Ray
Rep. Edward H. Redd
Rep. Marc K. Roberts

Rep. Jennifer M. Seelig
Rep. Keven J. Stratton
Rep. Mark A. Wheatley

Members Absent:

President Wayne L. Niederhauser

Staff Present:

Mr. Nathan W. Brady, Policy Analyst
Ms. Susan Creager Allred, Associate General Counsel
Ms. Lori Rammell, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Oda called the meeting to order at 2:17 p.m.

Chair Oda requested that committee members introduce themselves.

MOTION: Rep. Ray moved to approve the minutes of the November 14, 2012, meeting. The motion passed unanimously. Sen. Robles, Rep. Brown, and Rep. Grover were absent for the vote.

2. General Session Summary and 2013 Interim Studies

Mr. Brady briefed the committee on 2013 General Session statistics, committee bills, and the studies referred to the committee by the Legislative Management Committee for the 2013 interim. These documents were distributed in the committee mailing packet.

Committee discussion followed regarding 2013 General Session H.J.R. 20, “Master Study Resolution,” priority items.

Rep. Ray explained Master Study Resolution (MSR) Item 130, “Sex Offender Registration Amendments,” saying that he believes the Sex Offender Registry needs to be narrowed somewhat, so predators’ names are listed but not the names of those who have made an unwitting mistake.

Mr. Brady explained MSR Item 132, which addresses whether the Bureau of Criminal Identification should make certain information relating to whether a person may possess a firearm available to a law enforcement agency through computerized inquiry. Mr. Brady explained MSR Item 134, which addresses ways to provide disability benefits to law enforcement officers similar to the benefits currently provided to firefighters.

Rep. Ray spoke regarding MSR Item 137, Internet Sales of Nicotine Products. He said he would like the committee to examine how to restrict underage youth from purchasing nicotine products through the Internet and how these products can be better regulated.

Rep. Greenwood introduced MSR Item 139 regarding Utah Highway Patrol salaries. He expressed concern over the loss of experienced officers to other law enforcement agencies due to insufficient compensation. He questioned the fiscal impact on the state when these officers leave and must be replaced by new officers who require training and incur other initial costs.

Rep. Earl D. Tanner spoke regarding MSR Item 140, “Scienter in Criminal Statutes and Sentencing Guidelines,” and explained its relationship to strict liability and the insanity defense.

Mr. Ron Gordon, Executive Director, Commission on Criminal and Juvenile Justice, also addressed the issue of scienter and whether an interim committee is the preferable forum for addressing this issue.

Rep. Ray addressed MSR Item 141, “Statewide Access to Law Enforcement Records.” He pointed out that the use of different records systems by various Utah law enforcement agencies prevents agencies from sharing information and precludes officers from accessing real-time information.

Sen. Weiler explained the three MSR items he had proposed: 118, “Gateway and Softcore Pornography Law”; 131, “Bicycle Helmet Law”; and 133, “Competition with Private Security Companies.”

Mr. Rollin Cook, newly appointed Director of the Department of Corrections, introduced himself to the committee and answered questions from the committee.

3. Department of Public Safety - Issues and Agency Update

Commissioner D. Lance Davenport, Executive Director, Department of Public Safety, introduced the staff members addressing the committee.

Major Mike Rapich, Utah Highway Patrol, distributed “H.B. 298 – UHP Impact” and reported on an audit conducted by the Utah Highway Patrol regarding the safety inspection program. He discussed where additional resources were being deployed, administrative rules regarding the safety inspection program, and the new inspection station inspections, including covert inspections when complaints are lodged about a particular inspection station.

Major Rapich responded to questions from the committee.

Mr. Jay Henry, Department of Public Safety Crime Laboratory, distributed “Legislative Interim Committee Report, Utah Bureau of Forensic Services” and reported on the crime laboratory’s improved turnaround time for analysis of the controlled substance often referred to as “spice.” He stated that the crime lab is now able to return results to law enforcement within one week.

Mr. Henry answered questions from the committee.

Major Jeff Carr, Utah Department of Public Safety, and Deputy Chief Mike Brown, Salt Lake City Police Department, gave a presentation regarding the data information program Palantir and distributed “Palantir: Integrating Utah’s Law Enforcement Data.” They explained that Palantir is an analytic framework that can be used as a tool for law enforcement agencies to examine police records data to plot suspect activities and identify crime trends, among other things.

Major Carr and Deputy Chief Brown responded to questions from the committee.

Sen. Robles addressed MSR 138, "Safety Belt Amendments," stating that she and Rep. Perry are interested in studying how to increase the use of safety belts, particularly regarding their use on high speed roadways. She said increased use of seatbelts could also have a positive economic impact on the state by saving money currently being spent by taxpayers to cover injuries sustained in automobile accidents.

4. Commission on Criminal and Juvenile Justice - Issues and Agency Update

Mr. Ron Gordon, Executive Director, Commission on Criminal and Juvenile Justice, gave a brief overview of the commission and its functions. He said the commission conducts research on specific practices and provides recommendations to the Legislature when it is considering legislation regarding these practices in the criminal and juvenile justice systems. The commission also coordinates extraditions, jail reimbursement, and the judicial nominating commissions. He discussed some of the commission's anticipated study items, including the sex offender registry; services to incompetent, but not mentally ill, defendants; bed space and prisoner housing issues; detention of defendants who are held without bail; recidivism rates in county jails; and policy changes in the juvenile justice program.

5. Domestic Violence Report

Ms. Alice Moffat, Director, Utah Bureau of Criminal Identification, presented the statutorily required report regarding domestic violence complaints. Ms. Moffat distributed a summary of her report covering January 1, 2009, to the present. She stated that this report is incomplete, as some police departments have not yet complied with the reporting requirement. She also explained that the report does not cover the full five years required by law, but it does contain the information received to date.

Ms. Moffat responded to questions from the committee, most of which concerned the purpose for collection of the data.

6. Adjourn

Chair Oda adjourned the meeting at 4:25 p.m.